

HAMILTON PROPERTY TRANSFER PUBLIC MEETING

Novato Police Department Building

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June 16, 2003

7:15 p.m.

Reported by Adrian T. Edler

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52 Longwood Drive, San Rafael, California 94901/ (415) 457-4417

## P R O C E E D I N G S

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June 16, 2003

7:15 P.M.

Mr. Keller - We are going to go ahead and get started. My name is Ed Keller, BRAC Environmental Coordinator, representing the Department of Army BRAC Office for Hamilton. And this is the Public Comment Meeting for the Main Airfield Parcel Finding of Suitability for Early Transfer. And tonight also we have, which may or may not need the services of, but we have a couple of interpreters here tonight -- American Sign Language -- you can do your thing on that.

Interpreter 1 - No response.

Mr. Keller - No response. And also we have a Spanish interpreter.

Interpreter 2 - [Interprets].

Mr. Keller - Okay. We also would request anybody that is making comments tonight to come forward to one of my many microphones around the tables here that are available, and use those so that our Reporter can hear you clearly, make sure we get everything down in the transcript, and also please identify yourself when you make your comments. That will help out our translator here -- I mean, our transcriber here. My contact information is on the first slide. There are handouts available. Just maybe grab one of those on

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your way in. Our office is on Hamilton at the south end of the installation. And the parcel of property that we are talking about tonight that is covered by the Finding of Suitability for Early Transfer is outlined in red on the map here. It comes all the way around. It is the main airfield landing strip type parcel there, about 644 acres.

The Agenda for this presentation tonight -- I would like to go over a little bit of the history and overview of the property, discussing the Environmental Remediation Process that we are using at Hamilton, and then the Property Transfer Process, the Base Realignment and Closure Act, and underneath that to go through the Environmental Baseline Survey and the Finding of Suitability for Early Transfer, also known as the FOSET that is out for public comment. And we will have a Public Comment Period for Questions and Answers.

The purpose here tonight is to receive your public comments. We will take those public comments and, in the final version of the document, we will incorporate a Responsiveness Summary that provides answers to all of the comments. Anybody that is commenting tonight will receive a copy of that. The comment period for the document is open until July 7th, so any comments received and/or postmarked on or before July 7th will be included in the Responsiveness Summary.

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The History and Overview of Hamilton. Hamilton was purchased by the Army and the Army Air Corps began construction back in 1933. The Airfield was dedicated in May of 1935, it began operations. It was turned over to the Air Force, the newly created Air Force, in 1947 and became known as Hamilton Air Force Base. In 1974, the Air Force considered Hamilton a surplus property. At that time, the property was divided up into different agencies. The Department of the Navy took on some property there in the housing areas. The Department of the Army started running operations out on operational areas -- the runways and the hangars, the flight areas. In 1984, it took title to some of that operating -- the Main Airfield parcel being in that transfer. Base Realignment and Closure Act in 1988 recommended the closure and that was passed, so it has been in a state of closure since in 1994 Hamilton officially closed as an installation. The Army is proposing an Early Transfer of the Main Airfield Parcel, approximately 644 acres, to the City of Novato and to the State Coastal Conservancy this year, 2003.

The Environmental Remediation Process at Hamilton is driven by the authorities and the Comprehensive Environmental Response Compensation and Liability Act, also known as CERCLA, as amended by the Super Fund Amendments and Re-authorization Act, more commonly known as Super Fund and

the Superfund Laws, and that is what we will be talking about a little bit tonight. The remediation is also consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, and also meets the requirements consistent with the California Health and Safety Code.

The Process and generic look at it -- there is a diagram in your handout that goes through the different phases of the project. It starts out with an identification phase known as Preliminary Assessment Site Inspection. From there you identify any issues or concerns, it would go on to an investigation phase through a Remedial Investigation Feasibility Study. You would have several steps in that between Scoping, Site Characterization, Treatability Investigations, the Screening of Alternatives, and finally it comes up with a selection of remedy that is actually done in the decision document which we have off of the Airfield right now. It is the Record of Decision Remedial Action Plan that is also out for public comment currently. That document currently is in draft form, so it recommends remedies. And when it goes final, it will have the final selective remedies.

The clean-up process is known as a Remedial Design/Remedial Action Effort, and that will occur after the decision is made on what needs to be done. We go out to design the actual actions, and then take the actions in the

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field, leaving up to final site close-out. Now this is the remedial process and what happens is that, with an early transfer, an early transfer theoretically can occur during any of these phases of the project.

The Process at Hamilton, we have gone through all of these steps. We have done Preliminary Assessments and Site Inspections since the middle/late 80's, and have a lot of that information available. Remedial Investigations have taken place, culminating in a Comprehensive Remedial Investigation document that was put out that basically wraps up all the information up to the '97 time frame -- 1997 time frame. And then after that document, after that information, we took some Interim Removal Actions. Those actions removed contaminated soils from several sites around the installation. Those actions were effected in 1998 and 1999, and then some further actions were taken in the winter of 2001 to 2002. A Risk Assessment was put together on using the information that was in the Comprehensive Remedial Investigation and the information available, data available from the Remedial Actions that took place in 1998-1999. After all that took place, the FOSET Feasibility Study was prepared. There are two FOSET Feasibility Studies for Hamilton Main Airfield Parcel, one for the inboard sites that has been out for a couple of years now, and one for the Coastal Salt Marsh sites, which just recently came out.

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Selection of the Remedies is in draft and the final Record of Decision Remedial Action Plans. The Remedial Actions here that are defined in the ROD/RAP will be implemented through site clean-up requirements that will be issued by the Water Board. And then, finally, going to Site Closeout, that will be some time on down the line when all of the actions that are defined in the ROD/RAP have been shown to be in place and operational.

The Transfer Process for a Base Realignment and Closure at Hamilton is a Summary of the Transfer Process itself, and then the main documents that support that -- the Environmental Baseline Survey or EBS, and we will talk about its purpose and the Department of Defense Conditions of Property categories. And then the Finding of Suitability for Early Transfer, and I would like to talk just briefly about the Guidance for that, the Purpose of that document, the Property Transfer and Reuse, and the Findings of the FOSET. And then we will have our Public Comment Questions and Answers.

The Summary of the Early Transfer Process looks something like this. It starts with the decision to close the installation. Once that decision was made by Congress, the property went to a screening process in that the reuse of an open space wetland restoration came out of that process of being the preferred use for this property. There

is also a small slither of the property that the New Hamilton Partners Levee currently resides on, right along the Hangar Row area right about through here, comes around the new Southgate Development, though the property underneath that levee will be transferred to the City of Novato. Currently, the levee is constructed on an easement, so we still need to transfer that property. So the 644 acres includes all the property that will be transferred to Coastal Conservancy and the property that is under the levee, that will be transferred to the City of Novato, just that 14 acres goes to the City of Novato.

We will go through the Environmental Baseline Survey just a little bit. The Environmental Baseline Survey is a document that develops a support for the transfer of property, gives us a snapshot in time of the environmental conditions of the property. We have notified agencies and the public of the Public Comment Period that we are going to right now and the intent to put out this Finding of Suitability for Early Transfer. We have produced the document which is now for public comment starting June 5th through July 7th, and once that concludes, we will respond to comments and then have a signing of the process by both the Army and the state. For early transfers it is required to have a Governor of State sign off on it on a non-NPL site, which is what Hamilton is. It is not a National high

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resisting (phon), so we do not require a signature from U.S. EPA, but we do require a signature from the Governor of the State. We will notify the public of the signing of that document and the availability of the final document. It will be put out in the libraries and repositories. And after that process is done, then we will execute the deed, which will actually transfer the property. There will be two deeds as I mentioned, part of the property going to the state and part of the property going to the city.

Environmental Baseline Survey is a document which documents the current environmental condition of the property to support the transfer and is used to limit future Army liability. Basically, if we are talking about the current condition of something that is found in the future, at that time we will look back at this document and see if it was there at the time of transfer. If it was, then it needs to be determined as to what the source of that contamination would be. If it is somebody besides the Army after transfer, then the Army would not be liable for that clean-up. If it was determined to come from sources from the DOD activities on installation, then the Army would be liable for clean-up. The Environmental Baseline Survey classifies the property, or portions of the property which are called parcels within the Environmental Baseline Survey,

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into the Department of Defense's Final Condition of Property Categories, and that is on the next slide. There are seven different categories, depending on whether there were never any leases a parcel of land, whether they were petroleum only releases, whether they were releases that require actions or not, whether the action as been taken or not, or there are parcels that may have not had any investigations done on them yet so that they go into a category that is basically an unknown. The document supports the transfer of the property and it meets the Army's obligations under the Community Environmental Response Facilitation Act, CERCLA, Public Law to identify these categories of property for transfer.

The seven categories -- I will not go through them in detail, but they are listed on that slide for you and are basically what I mentioned. And normally when you are transferring property from Department of Defense to somebody other than a federal agency, the category 1 through 4 of properties can be transferred under what is known as the Finding of Suitability of Transfer on Early Transfer. Anything that is in category 5, 6 or 7 would immediately transfer through this Early Transfer mechanism, and those are basically areas where you are not fully complete with the actions that are required for clean-up, and that is where the Early Transfer comes in.

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The Guidance for the Finding of Suitability of Early Transfer come out of the CERCLA law section 120(h)(3)(C) and also Section 334 of Public Law 104-201. That is a Defense Authorization Act for 1997 which specifies that you can defer the covenant required under CERCLA, the covenant being one that states all actions have been a complete part of the transfer. So what we are really requesting with this process with the Governor and the state is that we defer providing the covenant that says all actions are complete. It in no way will leave the Army from its requirements and liabilities to take the actions. The Department of Defense Policy states that early transfer authorities be used to the maximum extent possible upon request by transferee, when doing so is beneficial both to DOD and the Transferee. In this case, it is advantageous to both parties. We have agreed on pursuing an early transfer, and are in agreement with the state on that. The project would like to be able to start to proceed forward in those areas of the property that are not impacted by remedial actions. So we believe that this is a good tool to use in this case.

The Purpose of FOSET -- it documents the environmental suitability of the property for transfer prior to completion of all remedial actions. As I mentioned, a covenant deferral. It provides associated land/use

restrictions. There are restrictions outlined in the document that will be further forwarded into the deed language to become restrictions in the deed, what you may or may not do on the property. It demonstrates to the public, regulators, and the Department of Defense that the early transfer of the property will not delay the environmental response actions in any way, will not pose a risk to human health or the environment, and will not affect the federal government's obligations to perform all necessary response actions. And it supports that deferral of the deed/easement covenant required by CERCLA. Once all actions have been taken out into the future, after transfer, at that point in time then the Army will provide the deed covenant to the Transferees after all actions have been taken.

The Property Transfer and Reuse -- a majority of the Main Airfield Parcel, approximately 630 acres that I mentioned out there, everything but the levee, will be transferred to the State Coastal Conservancy for use in the Hamilton Wetland Restoration Project. That area is currently planned to have a combination of tidal and seasonal wetlands along with upland habitat. The remaining portion of the property, possibly 14 acres, will be transferred to the City of Novato and represents the footprint of the existing New Hamilton Partners Levee.

The Findings of the FOSET basically is that the

Army concludes that all Department of Defense requirements to reach a finding of suitability of early transfer of the Main Airfield Parcel at Hamilton Army Airfield for the intended reuse as open space for wetland reestablishment and levee footprint have been met. The reuse of this property will not pose a risk to human health or the environment.

What I would like to do is open up the floor for comments, questions.

Mr. Millerick - A clarification question. I am looking at the map and I see an area marked A-4, which appears to be in the red boundary, but is different than the diagram that I received in the mail -- oh, I am Ross Millerick, citizen of Novato.

Mr. Keller - Yeah, the parcel A-4, the property for the Main Airfield Parcel comes on the east -- well, it would be the northeast side of Parcel A-4. So A-4 is not included in this property transfer. The out parcel A-4 which sits just south of the Coastguard Hangar area is slated for reuse as a commercial property and that transfer should be taking place very soon to New Hamilton Partners.

Mr. Millerick - Right, so it is not part of this - the map -- the red lines on the map are incorrect and the diagram that was handed in the mail is correct?

Mr. Keller - The diagram in the mail was correct. There should be an additional red line here. This is still

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Army property. A-4 currently is still Army property which is what this bounding shows, but there should be an additional red line.

Mr. Millerick - Okay. So just follow the existing levee that has been built that sits on the Novato, that Novato City will inherit?

Mr. Keller - Correct.

Mr. Millerick - Or that we transfer to Novato City. Thank you very much.

Mr. Keller - Other questions?

Ms. Belsky - Yeah, Elena Belsky. Could you describe the exact time line for the transfer, what happens from here, here out in the process?

Mr. Keller - Yes. I can describe the time line -- I will qualify, it may not be exact, but the process from hear on out, once the FOSET goes through public comment and we have received public comment, we respond to that, that document will be forwarded to the Department of the Army for signature that will go up to the Secretary of the Army level. Once that is signed and the accompanying decision document, the Record of Decision Remedial Action Plan is also completed, its public comment period, and we have responded to comments there, then a package will be prepared to be sent over to the Governor's office. We expect that

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that package will go out -- we will be using the draft Record of Decision Remedial Action Plan for initially forwarding that package, along with the signed FOSET. So we expect that that package will go out about the third week of July to the Governor requesting deferral of the covenant for this transfer. The Governor's office will begin to review that documentation. The final run around and its subsequent EIR is out for comment, are scheduled to complete. The Water Board will be able to take their actions in adopting their site clean-up requirements that is currently planned for the August time frame. The Bay Commission and Development or Bay Conservation and Development Commission will take an action also for a Consistency Determination. That is planned in August, again, along with the Board's action. And then the final package is expected to be transferred up to the Governor's office for signature with all final documents about the third week of August. The Governor's action is expected to take 30 days. So that will come back down about the third week of September, and property transfer is scheduled before the end of September during Federal Fiscal Year '03. There is a schedule that shows some of these time lines and things in the Record of Decision of Remedial Action Plan also. It goes out beyond that schedule -- that is getting up to transfer. Beyond that, the schedule in the ROD/RAP goes into implementation

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and those types of things also.

Any other questions?

Mr. Millerick - The decision -- Ross Millerick -- the decision documents are available in your office or at the library? Where would they --

Mr. Keller - They are available at our office, again, which is on the installation on the south end of the installation. My contact information is on the front of the packet if you want to come over to our office and review that. It is also available at the Main Branch of the Novato Public Library. They are open six days a week, they are only closed on Fridays. They are open until 9:00 p.m. during the week, open until 5:00 p.m. on the weekends. It is also available online as are most of the supporting documents for that. And it is also available at the Hamilton Town Center on the installation in the neighborhood there, what is now known as the Art Center. It was at one time known as the Hamilton Town Center and then its name has been changed since then -- at least out front -- to the Art Center. And we will put the URL for the on line right up here on the board so you can copy that down. The other documents that support the FOSET such as the EPS is also available at the Novato Public Library in our office or online. The documents that support the ROD/RAP are also available at the Public Library at our office or online.

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Mr. Millerick - Thank you very much.

Ms. Belsky - One more question, just a clarification -- Elena Belsky -- under Duty 7, Conditions of Property, so this FOSET is being used because Hamilton, the parcel in question is under the categories either 5, 6 or 7? Is that correct?

Mr. Keller - There are parts of the property, not all of the property but parts of the property, that are in that condition of 5, 6 or 7, correct. And so we are transferring the property as a whole and since some parcels in that area of 5, 6 or 7, that is the reason we are using Early Transfer.

Ms. Belsky - Okay, so I am just curious, are there any number 7 areas?

Mr. Keller - Yes.

Ms. Belsky - There are. Which are those?

Mr. Keller - There are some areas -- there are four of them identified in the decision document. Those were also identified in the Archived Search Report. There is one that is an alleged disposal area on the northwest end of the runway, and then there is three that are all similar concerns. One was a Firing-In Butt used to align weaponry on aircraft. It would basically fire weapons into this range for alignment. There was another site that was identified as a skeet range, and a third site identified as

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a testing/firing range on the eastern levee in this area of the site. And so those three last areas have very similar concerns. They are all concerned with firing of weaponry.

Ms. Belsky - Is there being any scheduled investigation into those at this time? I know about the north runway, but the other ones?

Mr. Keller - Yeah. The northwest runway area, we are in discussions right now on the sampling analysis plan for that. The other areas, the three areas that are associated with firing of weapons, we have the schedule that is outlined in the decision document, has us getting through an investigation of those by December of this year, and then implementation of any actions necessary would follow on after that.

Ms. Belsky - Okay. Thank you.

Mr. Keller - You are welcome. Any other comments or questions? Going once, going twice. I would like to thank you for attending this evening and, just as a wrap up, remember that we do have documents available at the public library, they are available at the Town Center, in our office, and available online at the URL that is listed on the board here, which is [www.spk.usace.army.mil/cespk-pm/haaf/docs.html](http://www.spk.usace.army.mil/cespk-pm/haaf/docs.html). It is a mouthful, but this basically is listed on the Corps of Engineers site and that is what most of that spk stands for, the Sacramento District Corps of

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Engineers, the USACE, United States Army Corps of Engineers, and then the Army.mil gets you all the way up to the CESPK portion of it. So if you were to go out online and hopefully search for Sacramento District, they would at least get that first half of it out of the way for you.

Ms. Belsky - Either that or e-mail and they will send you a link.

Mr. Keller - We can definitely send you the link. That concludes our proceeding. Thank you again.

[Adjourned.]